

S. 1726
[Gravel]

Purpose: To provide guidelines and limitations for the classification of information to insure that Congress is properly informed and to protect confidentiality of information and sources of information in the news media

Comment:

S. 1726 amends section 552 of title 5 of the Freedom of Information Act and establishes by law the policies and procedures for the classification of information within Government which has up to now been promulgated through Presidential Executive Order. The bill establishes one category for all classified information, "Secret Defense Data." The bill substantially establishes the same criteria for classification as is set forth in Executive Order. A program of declassification is proposed whereby all classified material would be declassified automatically after 2 years. Certain material may be exempted from automatic declassification due to sensitivity. The agency head must, however, submit in writing to the House and Senate Committees on Government Operations and to GAO a detailed justification for the continued classification of such information.

Each agency head having authority to classify information must compile and maintain a complete list of the names and official addresses of all persons who are authorized to classify material. This list is to be submitted quarterly to the Comptroller General and made available upon written request by any member of a committee of Congress. Any person may initiate a civil court action against the President or any agency head who is alleged to have deferred automatic declassification. The court may order a declassification if it finds that the information does not meet the criteria for continued classification.

The bill also provides congressional protection for members of Congress from criminal action if any part relates to a legislative activity. The bill establishes an Office of the General Counsel to the Congress which is to provide legal advice and counsel to the Congress and its members. The Office would also review rules and recommendations of the various agencies and inform the Congress whether such rules and recommendations are authorized by legislation. The bill further provides that any information in the control or custody of any agency of Government is to be made available to the Congress upon request. If refusal is based on the grounds of privilege, there must be a justification. If the privilege is disapproved, the witness or other requesting official is to be held in contempt of Congress.

The last section of the bill provides that no person should be required to disclose in any Federal or State court the source of any published or unpublished information obtained by any media of communication to the public.

Position:

Chairman Ervin, of the Senate Committee on Government Operations, by letter dated May 11 to the Director, requested the views of CIA on S. 1726.

The Agency would be strongly opposed to the bill as it does not provide adequate protection to classified information and would result in extensive dissemination to the Congress of any information upon demand.

Status:

S. 1726 was referred to the S. Government Operations Committee on 7 May.

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